

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/507,212 02/18/00 YAMASHITA

S P 00 572,006

IM52/1026

EXAMINER

Garth Janke
Birdwell & Janke LLP
900 SW Fifth Avenue
Suite 1925
Portland OR 97204

TRAN. T

ART UNIT

PAPER NUMBER

1741

DATE MAILED:

10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/507,212	Applicant(s) Yamashita, Selji
	Examiner Thao Tran	Art Unit 1741
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
Period for Reply		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Aug 13, 2001</u></p>		
<p>2a) <input checked="" type="checkbox"/> This action is FINAL. 2b) <input type="checkbox"/> This action is non-final.</p>		
<p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> 1035 C.D. 11; 453 O.G. 213.</p>		
Disposition of Claims		
<p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-18</u> is/are pending in the application.</p>		
<p>4a) Of the above, claim(s) <u>1-9 and 14-18</u> is/are withdrawn from consideration.</p>		
<p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p>		
<p>6) <input checked="" type="checkbox"/> Claim(s) <u>10-13</u> is/are rejected.</p>		
<p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p>		
<p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p>		
<p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p>		
<p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p>		
<p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. § 119		
<p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p>		
<p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p>		
<p>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p>		
<p>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p>		
<p>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>*See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>		
Attachment(s)		
<p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p>		
<p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>		
<p>17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) <input type="checkbox"/> Other: _____</p>		

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DETAILED ACTION

Response to Arguments

1. On pages 5-7 of the Remarks, applicant alleges that MPEP 806.05(e) was wrongly cited by the examiner. The examiner would like to remind applicant that, while MPEP 806.05(f) pertains to claims directed to product and process of making and MPEP 806.05(h) to claims directed to product and process of using, MPEP 806.05(e) pertains to claims directed to process and apparatus.

As indicated in the prior Office Action of March 9, 2001, restriction for examination purposes is based on the fact that claims 1-9 are drawn to a method for reducing contamination inside a container, whereas claims 10-13 are drawn to an apparatus for reducing contamination of an article that may be any desired object. Applicants are referred to the prior Office Action of March 9, 2001 for reasons for restriction requirement.

2. Newly submitted claims 15-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly added claims 15-18 are directed to a method for storing semiconductor wafers; whereas the elected invention is directed to an apparatus for reducing contamination of an article as pointed out in paragraph 3 above.

Newly added claim 14 is dependent on claim 2 which is directed to a non-elected invention by original presentation.

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Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly submitted claims 14-18, in addition to claims 1-9, have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Applicant's arguments with respect to the rejection of claims 10-13 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

4. This is in response to the Amendments received on August 13, 2001. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

5. Claims 1-18 are currently pending in this application. Claims 14-18 have been newly added. Claims 1-9 and 14-18 have been withdrawn from consideration as being directed to a non-elected invention.

Claim Rejections - 35 USC § 102

6. Claims 10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nugent, Jr. et al. (US Pat. 5,573,819).

In view of the prior Office Action of April 4, 2001, the rejection of claims 10 and 12-13 has been withdrawn due to the amendment made thereto.

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7. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsubayashi et al. (US Pat. 4,686,152).

In view of the prior Office Action of April 4, 2001, the rejection of claims 10-13 has been withdrawn due to the amendment made thereto.

8. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Goto et al. (US Pat. 6,235,358).

Goto teaches an apparatus for reducing contamination (sanitary characteristics), comprising a plastic container adapted for holding articles (packaging container) and a coating on selected portions of the container consisting essentially of titanium dioxide (see abstract; col. 3, ln. 12-41; col. 7, ln. 2-6; col. 13, ln. 12-15).

In regards to claim 11, Goto teaches the container including a closeable lid for sealing the interior of the container from the external atmosphere (plastic can) (see col. 10, ln. 15-53; col. 13, ln. 13-14).

In regards to claims 12-13, Goto teaches the container including polypropylene and polycarbonate (see col. 13, ln. 29-35).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao Tran whose telephone number is (703) 306-5698. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathryn Gorgos, can be reached on (703) 308-3328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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T.T.

October 23, 2001

Kathryn Gorgos
Kathryn Gorgos
Supervisory Patent Examiner
Technology Center 1700